THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P. No.20860 of 2004

Dated: 30.10.2006

Between:-

B.Kanna Rao

..Petitioner

And

1. The District Collector, Visakhapatnam
   and 3 others.

..Respondents

ORDER:

This writ petition is filed seeking Certiorari calling for the records relating to the proceedings of the 3rd respondent vide Rc.No.1362/2003/D, dated 24-06-2003 as confirmed by the 2nd respondent vide proceedings A.C.No.10/2003/CSR-7, dated 08-07-2004 and further confirmed by the 1st respondent vide proceedings R.P.No.7/2004/CSR 7, dated 30-10-2004 and declare the same as illegal and arbitrary.

2. There is no necessity of going into all the details. It is suffice to notice the order passed by the Revenue Divisional Officer (R.D.O.) which reads as under:

> "The Mandal Revenue Officer, Devarapalli has reported that the F.P. Shop dealer of Taruva, colluded with the Sarpanch of Taruva village and diverted the Food for Work rice stocks through VAN No.AP 31 U 5828 and unloaded in the Rice Mill at Devarapalli with malafide intention to sell away the stocks in black-market for pecuniary gain and grave irregularities. The Mandal Revenue Officer, Devarapalli, inspected the fair price shop of Sri B.Kannarao, Taruva and verified the stocks available and seized the following stocks and filed a 6-A case.
>
> 1) FFW Rice --- 63.50 Qtls.
> 2) Drought Rice --- 110.00 Qtls.
> 3) NPNSPE Rice -- 4.69 Qtls.
> 4) P.D.S. Rice -- 0.20 Qtls.
> 5) Sugar -- 0.76 Qtls.
> 6) Kerosene Oil -- 100 Liters.
>
> The following charges are framed against the F.P.Shop dealer for the diversion of FFW rice and

irregularities committed by him.

1) that the F.P.Shop dealer has diverted the FFW rice stocks through Van No.AP 31 U 5828 and unloaded in the Rice Mill at Devarapalli village with malafide intention to sell away the stocks in black-market for pecuniary gain.

2)……"

3. From the above, it is clear that the authorization of the petitioner against Taruva village, Devarapalli Mandal, was cancelled only on the basis of the report submitted by the 4th respondent-the Mandal Revenue Officer, Devarapalli, and further stating that the explanation of the fair-price-shop dealer is not convincing. Except this, no reasons are furnished for the cancellation of authorization of the petitioner. No enquiry seems to have been conducted as required under law. The impugned order dated 24-06-2003 as affirmed in the appellate order dated 08-07-2004 and further confirmed by the District Collector is liable to be set aside, in view of the Judgment of this Court reported in **M.KALYANI v. DISTRICT COLLECTOR, PRAKASAM DISTRAICT, ONGOLE**[1].

4. In the result, the Writ Petition is allowed and the impugned order is set aside. The authorization of the petitioner shall be restored forthwith. However, this will not preclude the authorities from conducting a fresh enquiry into the matter, if necessary. No costs.

October 30, 2006

KVR

[1] 2006(5) A.L.D. 796 (D.B.)